1895
(L.R.)

File No: 280.
Serial No: Nil

P-11

Sub:- Mr. C. Raghavachalu
conduct as a Sub-division
officer.

Incomplete
(only official notes)

File No 280
Pls: Nil

1895

(L.R.)

Lt. C. Raghavachariar's conduct as a
Sub. Division officer.

(3)

on receipt of Post
Order No. 8790 of 29th
233-92
January 96. Mr Vyas
Dyer examined 2 witnesses
& the accused persons
on 18th March 96 & adjourned
the case till the 14th
April for the examin-
-tion of defence witnesses
In the meantime, the
Raghavaiah has
taken charge of the
City Magistrate Court. On
the 14th April 96, he
recorded an order
criticizing the prosecu-
in language appro-
-priate objection and
declining certain
advice by the learned
President. Reading
this & other Kindred
cases "Due diligence"
the decision of the
Municipality upon
Perusal" of the
additional order. On
the last after order

occur the following words in the handwriting probably of a clerk: "In the Court of the District Magistrate (Lorebell, (Rl Case No 32 of 1895/96".

District Magistrs Proceedings of 13/5/96 -

An Journal of a report of Mr Rajkumar Banerjee proceedings in the newspapers. The District Magistrate called for his explanation "for (1) having sent the cases from the City Magistrs file to his own (2) omitting to submit to the District Magistrate a copy of his order by 14/4/96 as required by law."

The explanation was called for was furnished by Mr Rajkumar Banerjee.

Mr Bullamkelly D.O of 16/5/96.

Write this D.O, Mr Bullamkelly forwarded with by sent a file of various papers together with Mr Narasimhaiyer's Memorandum No 267 of 16/5/96 which contained marginal notes in the Rajkumar Banerjee handwriting. These papers related to

1

In recommending the Grant of 9 days' casual Leave to Mr Vydeanatha Iyer, City-Magte, the Dy Comr stated that "Mr Venkatasamy Naidu may be told off for carrying on the work" of the City-Magte during Mr V. Iyer's absence on such leave.

Dy Comr's No D/59 dy 31-3-96.

The order of Govt granting the leave, makes no reference to the temporary arrangement proposed by the Dy Comr, the reason being that as District Magte he was competent to make such arrangements for the carrying on of Magisterial work as he might deem most convenient.

Notification No 11371 dy 7-4-96. 9/126

In a Memorandum

R No 2946 dy 9/4/96

appeared by the Rly Coms
Advocate on his
previous capacity,
he found fault with
the Sub Divisional Officer
(Mr C. Raghunadharao)
for the delay in passing
final orders on the
references made to him
by the Tahsildar of
Kanigiri. He
concluded that memorandum
by saying that Mr Subba
Rama Naidu was not
only otherwise engaged
but was also unwell
& had applied for leave
and requested that Mr Raghava
Rama the Head Clerk
of the City Magistrate Court
where Mr Vydeswara Iyer
accused was conducting
the work should deal with his
petition.

His General
other cases had been
entrusted by the
City Municipality

Criminal Case
No 620 of 1895/96
on the file of the
City Magistrate Court

5 2/

appointment of Sahib Gumasta which Mr Raghavachariar has made without reference to the Dy Comr who objected to this procedure & demanded an explanation from him. The accepted notes contain a substantial reply Raghavachariar's views on the subject of his competency to make such appointments as regards the particular appointment in question the notes are incomplete reading as they do with the words "as regards the individual appointment it was made".

Dy Comrs D.O dy 25/5/96 —

On receipt of Under Secretary's D.O. with its enclosures Mr Narasimmiengar's note to the Raghava

Charles a D.C. objecting
to the tone of the marginal
note above referred to.
Reading ~~the portion~~ the
~~of that~~ D.O. ~~which leads~~
~~up to the subject~~
as a whole
and in conjunction
with the confidential
note of the 1st April
to which it alludes,
it is evident that Mr
Warrington did
not hesitate to think
that the marginal note
in question intended
to be a reply to recall
for explanation &
that he was willing
to treat the appointment
above mentioned as
a personal matter
which called for
further discussion.
There was therefore no
necessity whatever for
his writing this D.O.
He concluded the D.O.
by reminding Colonel Hughes
Charles of the explanation

9/

Due from him in the Criminal case above adverted to. Whereby Mr Ramaswamy was not the proper person as a Revenue person & District Magistrate but Subordinate Magistrate on a purely judicial matter.

Mr Raghunathachari Reply dt 3/6/96.

Under the above D.O. Mr Raghunathachari wrote his reply the first portion of which deals with the allegations & questions & counter suggestions for Enquiry alone the Personal aspersions cast made by Mr Raghunathachari. Then comes the para relating to the Criminal case & to which the District Magistrate proceeded dated 13-June 96 called

Mr Raghavachariar
rightly treated by the Bench
as against the proceedings
of 13th May 96.

The order directing General observations.
Mr Raghavachariar
to temporary charge
of the City Magistrates'
Court was not a
formal judicial order.

2- Mr Raghavachariar's
~~act~~ interlocutory order
of 14th April 96 was
highly improper and
should not have
been made. His
assumption to send a copy
of it to the District
Magistrate was also blameworthy.

3- There was no order
by Mr Raghavachariar
transferring the Bench
Petty Cases to Western
Fort. A clerk merely
carries out instructions, inserted the
in ignorance
name of the Fort Dy
Magistrate Court by error

GOVERNMENT PROPERTY

the Chief Secretary
No. It is difficult to
say that this amounts
to a transfer from one
Court to another.

4. Mr Raghavachariar
ought not to have promptly
~~declared the~~ declined
~~of the~~ explanation
which the District
Magistrate had called for.

5. The annotation
in the margin of the
Dy Commissioner's memo of
16/3/96 was not intended
to be a reply to that
memo. The Dy Commr
himself cancelled
that.

6. In the face of
this & of the confidential
correspondence which
had led to the enlargement
-ment question at
first, Mr Narasimmiengar
was clearly not justified
in writing his D.O.

of the 25th day. Still more information was demanded about the criminal case communicated to the Magistrate at paragraph 10.

7. The Magistrate ought to have recorded his reply of 3/6/96 more respectfully than he did.

8. It is manifest that this reply was not a reply to the District Magistrate's Proceedings of 13th May 96 as stated in the District Magistrate's Proceedings of 13th June a copy of which was forwarded by him to the Chief Court.

9. The District Magistrate was not justified in making judicial use of the D.O. correspondence.

10 When he improperly chose to do so, he

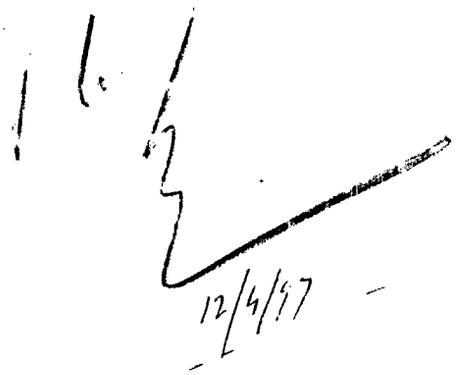
11

should have placed the whole of it on the record of the Criminal case, instead of extracting only a paragraph from it & putting it in his Magisterial proceedings in a manner calculated to create an unfavourable impression from what a perusal of the entire correspondence would have created.

11. On the whole it is clear that neither the Narasimma nor the Rachanayka is free from blame.

C.

11-7-96.


12/4/97